

Historic, archived document

Do not assume content reflects current scientific knowledge, policies, or practices.



United States Department of Agriculture

MISCELLANEOUS CIRCULAR No. 105

**FEDERAL LEGISLATION PROVIDING FOR FEDERAL AID IN HIGHWAY
CONSTRUCTION AND THE CONSTRUCTION OF NATIONAL
FOREST ROADS AND TRAILS**

**RULES AND REGULATIONS OF THE SECRETARY OF AGRICULTURE
FOR CARRYING OUT THE FEDERAL HIGHWAY ACT
AND AMENDMENTS THERETO**

**RULES AND REGULATIONS FOR ADMINISTERING FOREST ROADS
AND TRAILS**

Issued May, 1927

U. S. GOVERNMENT PRINTING OFFICE: 1927

UNITED STATES DEPARTMENT OF AGRICULTURE

MISCELLANEOUS CIRCULAR NO. 105

WASHINGTON, D. C.

MAY, 1927

THE FEDERAL-AID ROAD ACT

[39 STAT. 355]

An Act To provide that the United States shall aid the States in the construction of rural post roads, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized to cooperate with the States, through their respective State highway departments, in the construction of rural post roads; but no money apportioned under this act to any State shall be expended therein until its legislature shall have assented to the provisions of this act, except that, until the final adjournment of the first regular session of the legislature held after the passage of this act, the assent of the governor of the State shall be sufficient. The Secretary of Agriculture and the State highway department of each State shall agree upon the roads to be constructed therein and the character and method of construction: *Provided*, That all roads constructed under the provisions of this act shall be free from tolls of all kinds.

SEC. 2. That for the purpose of this act the term "rural post road"¹ shall be construed to mean any public road over which the United States mails now are or may hereafter be transported, excluding every street and road in a place having a population, as shown by the latest available Federal census, of two thousand five hundred or more, except that portion of any such street or road along which the houses average more than two hundred feet apart; the term "State highway department" shall be construed to include any department of another name, or commission, or official or officials, of a State empowered, under its laws, to exercise the functions ordinarily exercised by a State highway department; the term "construction" shall be construed to include reconstruction and improvement of roads; "properly maintained" as used herein shall be construed to mean the making of needed repairs and the preservation of a reasonably smooth surface considering the type of the road, but shall not be held to include extraordinary repairs, nor reconstruction; necessary bridges and culverts shall be deemed parts of the respective roads covered by the provisions of this act.

SEC. 3. That for the purpose of carrying out the provisions of this act there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June thirtieth, nineteen hundred and seventeen, the sum of \$5,000,000; for the fiscal year ending June thirtieth, nineteen hundred and eighteen, the sum of \$10,000,000; for the fiscal year ending June thirtieth, nineteen hundred and nineteen, the sum of \$15,000,000; for the fiscal year ending June thirtieth, nineteen hundred and twenty, the sum of \$20,000,000; and for the fiscal year ending June thirtieth, nineteen hundred and twenty-one, the sum of \$25,000,000. So much of the appropriation apportioned to any State for any fiscal year as remains unexpended at the close thereof shall be available for expenditure in that State until the close of the succeeding fiscal year, except that amounts apportioned for any fiscal year to any State which has not a State highway department shall be available for expenditure in that State until the close of the third fiscal year succeeding the close of the fiscal year for which such apportionment was made. Any amount apportioned under the provisions of this act unexpended at the end of the period during which it is available for expenditure under the terms of this section shall be reapportioned, within sixty days thereafter, to

¹ Amended by section 5 of the act approved Feb. 28, 1919, 40 Stat. 1200.

all the States in the same manner and on the same basis, and certified to the Secretary of the Treasury and to the State highway departments and to the governors of States having no State highway departments in the same way as if it were being apportioned under this act for the first time: *Provided*, That in States where the constitution prohibits the State from engaging in any work of internal improvements, then the amount of the appropriation under this act apportioned to any such State shall be turned over to the highway department of the State or to the governor of said State to be expended under the provisions of this act and under the rules and regulations of the Department of Agriculture, when any number of counties in any such State shall appropriate or provide the proportion or share needed to be raised in order to entitle such State to its part of the appropriation apportioned under this act.

SEC. 4. That so much, not to exceed three per centum, of the appropriation for any fiscal year made by or under this act as the Secretary of Agriculture may estimate to be necessary for administering the provisions of this act shall be deducted for that purpose, available until expended. Within sixty days after the close of each fiscal year the Secretary of Agriculture shall determine what part, if any, of the sums theretofore deducted for administering the provisions of this act will not be needed for that purpose and apportion such part, if any, for the fiscal year then current in the same manner and on the same basis, and certify it to the Secretary of the Treasury and to the State highway departments, and to the governors of States having no State highway departments, in the same way as other amounts authorized by this act to be apportioned among all the States for such current fiscal year. The Secretary of Agriculture, after making the deduction authorized by this section, shall apportion the remainder of the appropriation for each fiscal year among the several States in the following manner: One-third in the ratio which the area of each State bears to the total area of all the States; one-third in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census; one-third in the ratio which the mileage of rural delivery routes and star routes in each State bears to the total mileage of rural delivery routes and star routes in all the States, at the close of the next preceding fiscal year, as shown by the certificate of the Postmaster General, which he is directed to make and furnish annually to the Secretary of Agriculture.

SEC. 5. That within sixty days after the approval of this act the Secretary of Agriculture shall certify to the Secretary of the Treasury and to each State highway department and to the governor of each State having no State highway department the sum which he has estimated to be deducted for administering the provisions of this act and the sum which he has apportioned to each State for the fiscal year ending June thirtieth, nineteen hundred and seventeen, and on or before January twentieth next preceding the commencement of each succeeding fiscal year shall make like certificates for such fiscal year.

SEC. 6. That any State desiring to avail itself of the benefits of this act shall, by its State highway department, submit to the Secretary of Agriculture project statements setting forth proposed construction of any rural post road or roads therein. If the Secretary of Agriculture approve a project, the State highway department shall furnish to him such surveys, plans, specifications, and estimates therefor as he may require: *Provided, however*, That the Secretary of Agriculture shall approve only such projects as may be substantial in character and the expenditure of funds hereby authorized shall be applied only to such improvements. Items included for engineering, inspection, and unforeseen contingencies shall not exceed ten per centum of the total estimated cost of the work. If the Secretary of Agriculture approve the plans, specifications, and estimates, he shall notify the State highway department and immediately certify the fact to the Secretary of the Treasury. The Secretary of the Treasury shall thereupon set aside the share of the United States payable under this act on account of such project, which shall not exceed fifty per centum of the total estimated cost thereof. No payment of any money apportioned under this act shall be made on any project until such statement of the project, and the plans, specifications, and estimates therefor, shall have been submitted to and approved by the Secretary of Agriculture.

When the Secretary of Agriculture shall find that any project so approved by him has been constructed in compliance with said plans and specifications he shall cause to be paid to the proper authority of said State the amount set

aside for said project: *Provided*, That the Secretary of Agriculture may, in his discretion, from time to time, make payments on said construction as the same progresses; but these payments, including previous payments, if any, shall not be more than the United States' pro rata part of the value of the labor and materials which have been actually put into said construction in conformity to said plans and specifications; nor shall any such payment be in excess of \$10,000² per mile, exclusive of the cost of bridges of more than twenty feet clear span. The construction work and labor in each State shall be done in accordance with its laws and under the direct supervision of the State highway department, subject to the inspection and approval of the Secretary of Agriculture and in accordance with the rules and regulations made pursuant to this act.

The Secretary of Agriculture and the State highway department of each State may jointly determine at what times and in what amounts payments, as work progresses, shall be made under this act. Such payments shall be made by the Secretary of the Treasury on warrants drawn by the Secretary of Agriculture, to such official, or officials, or depository, as may be designated by the State highway department and authorized under the laws of the State to receive public funds of the State or county.

SEC. 7. To maintain the roads constructed under the provisions of this act shall be the duty of the States, or their civil subdivisions, according to the laws of the several States. If at any time the Secretary of Agriculture shall find that any road in any State constructed under the provisions of this act is not being properly maintained he shall give notice of such fact to the highway department of such State; and if within four months from the receipt of said notice said road has not been put in a proper condition of maintenance, then the Secretary of Agriculture shall thereafter refuse to approve any project for road construction in said State, or the civil subdivision thereof, as the fact may be, whose duty is to maintain said road, until it has been put in a condition of proper maintenance.

SEC. 8. That there is hereby appropriated and made available until expended, out of any moneys in the National Treasury not otherwise appropriated, the sum of \$1,000,000 for the fiscal year ending June thirtieth, nineteen hundred and seventeen, and each fiscal year thereafter up to and including the fiscal year ending June thirtieth, nineteen hundred and twenty-six, in all \$10,000,000, to be available until expended under the supervision of the Secretary of Agriculture, upon request from the proper officers of the State, Territory, or county for the survey, construction, and maintenance of roads and trails within or only partly within the national forests when necessary for the use and development of resources upon which communities within and adjacent to the national forests are dependent: *Provided*, That the State, Territory, or county shall enter into a cooperative agreement with the Secretary of Agriculture for the survey, construction, and maintenance of such roads or trails upon a basis equitable to both the State, Territory, or county, and the United States: *And provided also*, That the aggregate expenditures in any State, Territory, or county shall not exceed ten per centum of the value, as determined by the Secretary of Agriculture, of the timber and forage resources which are or will be available for income upon the national forest lands within the respective county or counties wherein the roads or trails will be constructed; and the Secretary of Agriculture shall make annual report to Congress of the amounts expended hereunder.

That immediately upon the execution of any cooperative agreement hereunder the Secretary of Agriculture shall notify the Secretary of the Treasury of the amount to be expended by the United States within or adjacent to any national forest thereunder, and beginning with the next fiscal year and each fiscal year thereafter the Secretary of the Treasury shall apply from any and all revenues from such forest ten per centum thereof to reimburse the United States for expenditures made under such agreement until the whole amount advanced under such agreement shall have been returned from the receipts from such national forest.

SEC. 9. That out of the appropriations made by or under this act the Secretary of Agriculture is authorized to employ such assistants, clerks, and other persons in the city of Washington and elsewhere, to be taken from the eligible lists of the Civil Service Commission, to rent buildings outside of the city of Washington, to purchase such supplies, material, equipment, office fixtures,

² Amended by section 5 of the act approved Feb. 28, 1919, 40 Stat. 1200.

and apparatus, and to incur such travel and other expense as he may deem necessary for carrying out the purposes of this act.

SEC. 10. That the Secretary of Agriculture is authorized to make rules and regulations for carrying out the provisions of this act.

SEC. 11. That this act shall be in force from the date of its passage.

Approved, July 11, 1916.

POST OFFICE APPROPRIATION ACT OF FEBRUARY 28, 1919

[40 STAT. 1200]

An Act Making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920, and for other purposes

* * * * *

SEC. 5. That the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, is hereby amended to provide that the term "rural post roads," as used in section 2 of said act, shall be construed to mean any public road a major portion of which is now used, or can be used, or forms a connecting link not to exceed ten miles in length of any road or roads now or hereafter used for the transportation of the United States mails, excluding every street and road in a place having a population, as shown by the latest available Federal census, of two thousand five hundred or more, except that portion of any such street or road along which the houses average more than two hundred feet apart: *Provided*, That section 6 of said act be further amended so that the limitation of payments not to exceed \$10,000 per mile, exclusive of the cost of bridges of more than twenty feet clear span, which the Secretary of Agriculture may make, be, and the same is, increased to \$20,000 per mile.

SEC. 6. That for the purpose of carrying out the provisions of said act, as herein amended, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the following additional sums: The sum of \$50,000,000 for the fiscal year ending June 30, 1919, and available immediately; the sum of \$75,000,000 for the fiscal year ending June 30, 1920; and the sum of \$75,000,000 for the fiscal year ending June 30, 1921; said additional sums to be expended in accordance with the provisions of said act: *Provided*, That where the constitution of any State prohibits the same from engaging upon internal improvements or from contracting public debts for extraordinary purposes in an amount sufficient to meet the monetary requirements of the act of July 11, 1916, or any act amendatory thereof, or restricts annual tax levies for the purpose of constructing and improving roads and bridges, and where a constitutional alteration or amendment to overcome either or all of such prohibitions must be submitted to a referendum at a general election, the sum to which such State is entitled under the method of apportionment provided in the act of July 11, 1916, or any act amendatory thereof, shall be withdrawn by the Secretary of the Treasury from the principal fund appropriated by the act of July 11, 1916, or any act amendatory thereof, upon receipt of the certification of the governor of such State to the existence of either or all of said prohibitions, and such sum shall be carried by the Secretary of the Treasury as a separate fund for future disbursement as hereinafter provided: *Provided further*, That when, by referendum, the constitutional alterations or amendments necessary to the enjoyment of the sum so withdrawn have been approved and ratified by any State, the Secretary of the Treasury, upon receipt of certification from the governor of such State to such effect, shall immediately make available to such State for the purposes set forth in the act of July 11, 1916, or any act amendatory thereof, the sum withdrawn as hereinbefore provided: *Provided further*, That nothing herein shall be deemed to prevent any State from receiving such portion of said principal sum as is available under its existing constitution and laws: *Provided further*, That in the expenditure of this fund for labor preference shall be given, other conditions being equal, to honorably discharged soldiers, sailors, and marines, but any other preference or discrimination among citizens of the United States in connection with the expenditure of this appropriation is hereby declared to be unlawful.

SEC. 7. That the Secretary of War be, and he is hereby, authorized in his discretion to transfer to the Secretary of Agriculture all available war material, equipment, and supplies not needed for the purposes of the War Department, but suitable for use in the improvement of highways, and that the same be distributed among the highway departments of the several States to be used on roads constructed in whole or in part by Federal aid, such distribution to be made upon a value basis of distribution the same as provided by the Federal aid road act, approved July 11, 1916: *Provided*, That the Secretary of Agriculture, at his discretion, may reserve from such distribution not to exceed 10 per centum of such material, equipment, and supplies for use in the construction of national forest roads or other roads constructed under his direct supervision.

SEC. 8. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1919, the sum of \$3,000,000, for the fiscal year ending June 30, 1920, the sum of \$3,000,000, and for the fiscal year ending June 30, 1921, the sum of \$3,000,000, available until expended by the Secretary of Agriculture in cooperation with the proper officials of the State, Territory, insular possession, or county, in the survey, construction, and maintenance of roads and trails within or partly within the national forests, when necessary for the use and development of resources of the same or desirable for the proper administration, protection, and improvement of any such forest. Out of the sums so appropriated the Secretary of Agriculture may, without the cooperation of such officials, survey, construct, and maintain any road or trail within a national forest which he finds necessary for the proper administration, protection, and improvement of such forest, or which in his opinion is of national importance. In the expenditure of this fund for labor preference shall be given, other conditions being equal, to honorably discharged soldiers, sailors, and marines.

The Secretary of Agriculture shall make annual report to Congress of the amounts expended hereunder.

SEC. 9. That no officer or enlisted man of the Army, Navy, or Marine Corps shall be detailed for work on the roads which come within the provisions of this act except by his own consent: *And provided further*, That the Secretary of Agriculture, through the War Department, shall ascertain the number of days any such soldiers, sailors, and marines have worked on the public roads in the several States (other than roads within the limits of cantonments or military reservations in the several States) during the existing war, and also the location where they worked and their names and rank, and report to Congress at the beginning of its next regular session: *Provided further*, That when any officer or enlisted man in the Army, the Navy, or the Marine Corps shall have been or may be in the future detailed for labor in the building of roads or other highway construction or repair work (other than roads within the limits of cantonments or military reservations in the several States), during the existing war, the pay of such officer or enlisted man shall be equalized to conform to the compensation paid to civilian employees in the same or like employment and the amount found to be due such officers, soldiers, sailors, and marines, less the amount of his pay as such officer, soldier, sailor, or marine, shall be paid to him from the 1920 appropriation herein allotted to the States wherein such highway construction or repair work was or will be performed.

* * * * *

Approved February 28, 1919.

THE FEDERAL HIGHWAY ACT

[42 STAT. 212]

An Act To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this act may be cited as the Federal highway act.

SEC. 2. That, when used in this act, unless the context indicates otherwise—

The term "Federal aid act" means the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads,

and for other purposes," approved July 11, 1916, as amended by sections 5 and 6 of an act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920, and for other purposes," approved February 28, 1919, and all other acts amendatory thereof or supplementary thereto.

The term "highway" includes rights of way, bridges, drainage structures, signs, guard rails, and protective structures in connection with highways, but shall not include any highway or street in a municipality having a population of two thousand five hundred or more as shown by the last available census, except that portion of any such highway or street along which within a distance of one mile the houses average more than two hundred feet apart.

The term "State highway department" includes any State department, commission, board, or official having adequate powers and suitably equipped and organized to discharge to the satisfaction of the Secretary of Agriculture the duties herein required.

The term "maintenance" means the constant making of needed repairs to preserve a smooth surfaced highway.

The term "construction" means the supervising, inspecting, actual building, and all expenses incidental to the construction of a highway, except locating, surveying, mapping, and costs of rights of way.

The term "reconstruction" means a widening or a rebuilding of the highway or any portion thereof to make it a continuous road, and of sufficient width and strength to care adequately for traffic needs.

The term "forest roads" means roads wholly or partly within or adjacent to and serving the national forests.

The term "State funds" includes for the purposes of this act funds raised under the authority of the State, or any political or other subdivision thereof, and made available for expenditure under the direct control of the State highway department.

SEC. 3. All powers and duties of the Council of National Defense under the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916, in relation to highway or highway transport, are hereby transferred to the Secretary of Agriculture, and the Council of National Defense is directed to turn over to the Secretary of Agriculture the equipment, material, supplies, papers, maps, and documents utilized in the exercise of such powers. The powers and duties of agencies dealing with highways in the national parks or in military or naval reservations under the control of the United States Army or Navy, or with highways used principally for military or naval purposes, shall not be taken over by the Secretary of Agriculture, but such highways shall remain under the control and jurisdiction of such agencies.

The Secretary of Agriculture is authorized to cooperate with the State highway departments and with the Department of the Interior in the construction of public highways within Indian reservations, and to pay the amount assumed therefor from the funds allotted or apportioned under this act to the State wherein the reservation is located.

SEC. 4. That the Secretary of Agriculture shall establish an accounting division, which shall devise and install a proper method of keeping the accounts.

SEC. 5. That the Secretary of War be, and he is hereby, authorized and directed to transfer to the Secretary of Agriculture, upon his request, all war material, equipment, and supplies now or hereafter declared surplus from stock now on hand and not needed for the purposes of the War Department but suitable for use in the improvement of highways, and that the same shall be distributed among the highway departments of the several States to be used in the construction, reconstruction, and maintenance of highways, such distribution to be upon the same basis as that hereinafter provided for in this act in the distribution of Federal-aid fund: *Provided*, That the Secretary of Agriculture, in his discretion, may reserve from such distribution not to exceed 10 per centum of such material, equipment, and supplies for use in the construction, reconstruction, and maintenance of national-forest roads or other roads constructed, reconstructed, or maintained under his direct supervision.

SEC. 6. That in approving projects to receive Federal aid under the provisions of this act the Secretary of Agriculture shall give preference to such projects as will expedite the completion of an adequate and connected system of highways interstate in character.

Before any projects are approved in any State, such State, through its State highway department, shall select or designate a system of highways not to exceed 7 per centum of the total highway mileage of such State as shown by the records of the State highway department at the time of the passage of this act.

Upon this system all Federal-aid apportionments shall be expended.

Highways which may receive Federal aid shall be divided into two classes, one of which shall be known as primary or interstate highways, and shall not exceed three-sevenths of the total mileage which may receive Federal aid, and the other which shall connect or correlate therewith and be known as secondary or intercounty highways, and shall consist of the remainder of the mileage which may receive Federal aid.

The Secretary of Agriculture shall have authority to approve in whole or in part the systems as designated or to require modifications or revisions thereof: *Provided*, That the States shall submit to the Secretary of Agriculture for his approval any proposed revisions of the designated systems of highways above provided for.

Not more than 60 per centum of all Federal aid allotted to any State shall be expended upon the primary or interstate highways until provision has been made for the improvement of the entire system of such highways: *Provided*, That with the approval of any State highway department the Secretary of Agriculture may approve the expenditure of more than 60 per centum of the Federal aid apportioned to such State upon the primary or interstate highways in such State.

The Secretary of Agriculture may approve projects submitted by the State highway departments prior to the selection, designation, and approval of the system of Federal-aid highways herein provided for if he may reasonably anticipate that such projects will become a part of such system.

Whenever provision has been made by any State for the completion and maintenance of a system of primary or interstate and secondary or intercounty highways equal to 7 per centum of the total mileage of such State, as required by this act, said State, through its State highway department, by and with the approval of the Secretary of Agriculture, is hereby authorized to add to the mileage of primary or interstate and secondary or intercounty systems as funds become available for the construction and maintenance of such additional mileage.

SEC. 7. That before any project shall be approved by the Secretary of Agriculture for any State such State shall make provisions for State funds required each year of such States by this act for construction, reconstruction, and maintenance of Federal-aid highways within the State, which funds shall be under the direct control of the State highway department.

SEC. 8. That only such durable types of surface and kinds of materials shall be adopted for the construction and reconstruction of any highway which is a part of the primary or interstate and secondary or intercounty systems as will adequately meet the existing and probable future traffic needs and conditions thereon. The Secretary of Agriculture shall approve the types and width of construction and reconstruction and the character of improvement, repair, and maintenance of each case, consideration being given to the type and character which shall be best suited for each locality and to the probable character and extent of the future traffic.

SEC. 9. That all highways constructed or reconstructed under the provisions of this act shall be free from tolls of all kinds.

That all highways in the primary or interstate system constructed after the passage of this act shall have a right of way of ample width and a wearing surface of an adequate width which shall not be less than eighteen feet, unless, in the opinion of the Secretary of Agriculture, it is rendered impracticable by physical conditions, excessive costs, probable traffic requirements, or legal obstacles.

SEC. 10. That when any State shall have met the requirements of this act, the Secretary of the Treasury, upon receipt of certification from the governor of such State to such effect, approved by the Secretary of Agriculture, shall immediately make available to such State, for the purpose set forth in this act, the sum apportioned to such State as herein provided.

SEC. 11. That any State having complied with the provisions of this act, and desiring to avail itself of the benefits thereof, shall by its State highway department submit to the Secretary of Agriculture project statements setting forth proposed construction or reconstruction of any primary or interstate, or second-

ary or intercounty highway therein. If the Secretary of Agriculture approve the project, the State highway department shall furnish to him such surveys, plans, specifications, and estimates therefor as he may require; items included for engineering, inspection, and unforeseen contingencies shall not exceed 10 per centum of the total estimated costs of its construction.

That when the Secretary of Agriculture approves such surveys, plans, specifications, and estimates, he shall notify the State highway department and immediately certify the fact to the Secretary of the Treasury. The Secretary of the Treasury shall thereupon set aside the share of the United States payable under this act on account of such projects, which shall not exceed 50 per centum of the total estimated cost thereof, except that in the case of any State containing unappropriated public lands exceeding 5 per centum of the total area of all lands in the State, the share of the United States payable under this act on account of such projects shall not exceed 50 per centum of the total estimated cost thereof plus a percentage of such estimated cost equal to one-half of the percentage which the area of the unappropriated public lands in such State bears to the total area of such State: *Provided*, That the limitation of payments not to exceed \$20,000 per mile, under existing law, which the Secretary of Agriculture may make be, and the same is hereby, increased in proportion of the increased percentage of Federal aid authorized by this section: *Provided further*, That these provisions relative to the public land States shall apply to all unobligated or unmatched funds appropriated by the Federal aid act and payment for approved projects upon which actual building construction work had not begun on the 30th day of June, 1921.

SEC. 12. That the construction and reconstruction of the highways or parts of highways under the provisions of this act, and all contracts, plans, specifications, and estimates relating thereto, shall be undertaken by the State highway departments subject to the approval of the Secretary of Agriculture. The construction and reconstruction work and labor in each State shall be done in accordance with its laws and under the direct supervision of the State highway department, subject to the inspection and approval of the Secretary of Agriculture and in accordance with the rules and regulations pursuant to this act.

SEC. 13. That when the Secretary of Agriculture shall find that any project approved by him has been constructed or reconstructed in compliance with said plans and specifications, he shall cause to be paid to the proper authorities of said State the amount set aside for said project.

That the Secretary of Agriculture may, in his discretion, from time to time, make payments on such construction or reconstruction as the work progresses, but these payments, including previous payments, if any, shall not be more than the United States pro rata part of the value of the labor and materials which have been actually put into such construction or reconstruction in conformity to said plans and specifications. The Secretary of Agriculture and the State highway department of each State may jointly determine at what time and in what amounts payments as work progresses shall be made under this act.

Such payments shall be made by the Secretary of the Treasury, on warrants drawn by the Secretary of Agriculture, to such official or officials or depository as may be designated by the State highway department and authorized under the laws of the State to receive public funds of the State.

SEC. 14. That should any State fail to maintain any highway within its boundaries after construction or reconstruction under the provisions of this act, the Secretary of Agriculture shall then serve notice upon the State highway department of that fact, and if within ninety days after receipt of such notice said highway has not been placed in proper condition of maintenance, the Secretary of Agriculture shall proceed immediately to have such highway placed in a proper condition of maintenance and charge the cost thereof against the Federal funds allotted to such State, and shall refuse to approve any other project in such State, except as hereinafter provided.

Upon the reimbursement by the State of the amount expended by the Federal Government for such maintenance, said amount shall be paid into the Federal highway fund for reapportionment among all the States for the construction of roads under this act, and the Secretary of Agriculture shall then approve further projects submitted by the State as in this act provided.

Whenever it shall become necessary for the Secretary of Agriculture under the provisions of this act to place any highway in a proper condition of mainte-

nance the Secretary of Agriculture shall contract with some responsible party or parties for doing such work: *Provided, however,* That in case he is not able to secure a satisfactory contract he may purchase, lease, hire, or otherwise obtain all necessary supplies, equipment, and labor, and may operate and maintain such motor and other equipment and facilities as in his judgment are necessary for the proper and efficient performance of his functions.

SEC. 15. That within two years after this act takes effect the Secretary of Agriculture shall prepare, publish, and distribute a map showing the highways and forest roads that have been selected and approved as a part of the primary or interstate, and the secondary or intercounty systems, and at least annually thereafter shall publish supplementary maps showing his program and the progress made in selection, construction, and reconstruction.

SEC. 16. That for the purpose of this act the consent of the United States is hereby given to any railroad or canal company to convey to the highway department of any State any part of its right of way or other property in that State acquired by grant from the United States.

SEC. 17. That if the Secretary of Agriculture determines that any part of the public lands or reservations of the United States is reasonably necessary for the right of way of any highway or forest road or as a source of materials for the construction or maintenance of any such highway or forest road adjacent to such lands or reservations, the Secretary of Agriculture shall file with the Secretary of the department supervising the administration of such land or reservation a map showing the portion of such lands or reservations which it is desired to appropriate.

If within a period of four months after such filing the said Secretary shall not have certified to the Secretary of Agriculture that the proposed appropriation of such land or material is contrary to the public interest or inconsistent with the purposes for which such land or materials have been reserved, or shall have agreed to the appropriation and transfer under conditions which he deems necessary for the adequate protection and utilization of the reserve, then such land and materials may be appropriated and transferred to the State highway department for such purposes and subject to the conditions so specified.

If at any time the need for any such lands or materials for such purposes shall no longer exist, notice of the fact shall be given by the State highway department to the Secretary of Agriculture, and such lands or materials shall immediately revert to the control of the Secretary of the department from which they had been appropriated.

SEC. 18. That the Secretary of Agriculture shall prescribe and promulgate all needful rules and regulations for the carrying out of the provisions of this act, including such recommendations to the Congress and the State highway departments as he may deem necessary for preserving and protecting the highways and insuring the safety of traffic thereon.

SEC. 19. That on or before the first Monday in December of each year the Secretary of Agriculture shall make a report to Congress, which shall include a detailed statement of the work done, the status of each project undertaken, the allocation of appropriations, an itemized statement of the expenditures and receipts during the preceding fiscal year under this act, an itemized statement of the traveling and other expenses, including a list of employees, their duties, salaries, and traveling expenses, if any, and his recommendations, if any, for new legislation amending or supplementing this act. The Secretary of Agriculture shall also make such special reports as Congress may request.

SEC. 20. That for the purpose of carrying out the provisions of this act there is hereby appropriated, out of the moneys in the Treasury not otherwise appropriated, \$75,000,000 for the fiscal year ending June 30, 1922, \$25,000,000 of which shall become immediately available, and \$50,000,000 of which shall become available January 1, 1922.

SEC. 21. That so much, not to exceed 2½ per centum, of all moneys hereby or hereafter appropriated for expenditure under the provisions of this act, as the Secretary of Agriculture may deem necessary for administering the provisions of this act and for carrying on necessary highway research and investigational studies independently or in cooperation with the State highway departments and other research agencies, and for publishing the results thereof, shall be deducted for such purposes, available until expended.

Within sixty days after the close of each fiscal year the Secretary of Agriculture shall determine what part, if any, of the sums theretofore deducted for such purposes will not be needed and apportion such part, if any, for the fiscal year then current in the same manner and on the same basis as are other

amounts authorized by this act apportioned among all the States, and shall certify such apportionment to the Secretary of the Treasury and to the State highway departments.

The Secretary of Agriculture, after making the deduction authorized by this section, shall apportion the remainder of the appropriation made for expenditure under the provision of the act for the fiscal year among the several States in the following manner: One-third in the ratio which the area of each State bears to the total area of all the States; one-third in the ratio which the population of each State bears to the total population of all the States as shown by the latest available Federal census; one-third in the ratio which the mileage of rural delivery routes and star routes in each State bears to the total mileage of rural delivery and star routes in all the States at the close of the next preceding fiscal year, as shown by certificate of the Postmaster General, which he is directed to make and furnish annually to the Secretary of Agriculture: *Provided*, That no State shall receive less than one-half of 1 per centum of each year's allotment. All moneys herein or hereafter appropriated for expenditure under the provisions of this act shall be available until the close of the second succeeding fiscal year for which apportionment was made: *Provided further*, That any sums apportioned to any State under the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all acts amendatory thereof and supplemental thereto, shall be available for expenditure in that State for the purpose set forth in such acts until two years after the close of the respective fiscal years for which any such sums become available, and any amount so apportioned remaining unexpended at the end of the period during which it is available for expenditure under the terms of such acts shall be reapportioned according to the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916: *And provided further*, That any amount apportioned under the provisions of this act unexpended at the end of the period during which it is available for expenditure under the terms of this section shall be reapportioned within sixty days thereafter to all the States in the same manner and on the same basis, and certified to the Secretary of the Treasury and the State highway departments in the same way as if it were being apportioned under this act for the first time.

SEC. 22. That within sixty days after the approval of this act the Secretary of Agriculture shall certify to the Secretary of the Treasury and to each of the State highway departments the sum he has estimated to be deducted for administering the provisions of this act and the sums which he has apportioned to each State for the fiscal year ending June 30, 1922, and on or before January 20 next preceding the commencement of each succeeding fiscal year, and shall make like certificates for each fiscal year.

SEC. 23. That out of the moneys in the Treasury not otherwise appropriated, there is hereby appropriated for the survey, construction, reconstruction, and maintenance of forest roads and trails, the sum of \$5,000,000 for the fiscal year ending June 30, 1922, available immediately and until expended, and \$10,000,000 for the fiscal year ending June 30, 1923, available until expended.

(a) Fifty per centum, but not to exceed \$3,000,000 for any one fiscal year, of the appropriation made or that may hereafter be made for expenditures under the provisions of this section shall be expended under the direct supervision of the Secretary of Agriculture in the survey, construction, reconstruction, and maintenance of roads and trails of primary importance for the protection, administration, and utilization of the national forests, or when necessary, for the use and development of the resources upon which communities within or adjacent to the national forests are dependent, and shall be apportioned among the several States, Alaska, and Porto Rico by the Secretary of Agriculture, according to the relative needs of the various national forests, taking into consideration the existing transportation facilities, value of timber, or other resources served, relative fire danger, and comparative difficulties of road and trail construction.

The balance of such appropriations shall be expended by the Secretary of Agriculture in the survey, construction, reconstruction, and maintenance of forest roads, of primary importance to the State, counties, or communities within, adjoining, or adjacent to the national forests, and shall be prorated and apportioned by the Secretary of Agriculture for expenditures in the several States, Alaska, and Porto Rico, according to the area and value of the land

owned by the Government within the national forests therein as determined by the Secretary of Agriculture from such information, investigation, sources, and departments as the Secretary of Agriculture may deem most accurate.

(b) Cooperation of Territories, States, and civil subdivisions thereof may be accepted but shall not be required by the Secretary of Agriculture.

(c) The Secretary of Agriculture may enter into contracts with any Territory, State, or civil subdivision thereof for the construction, reconstruction, or maintenance of any forest road or trail or part thereof.

(d) Construction work on forest roads or trails estimated to cost \$5,000 or more per mile, exclusive of bridges, shall be advertised and let to contract.

If such estimated cost is less than \$5,000 per mile, or if, after proper advertising, no acceptable bid is received, or the bids are deemed excessive, the work may be done by the Secretary of Agriculture on his own account; and for such purpose the Secretary of Agriculture may purchase, lease, hire, rent, or otherwise obtain all necessary supplies, materials, tools, equipment, and facilities required to perform the work.

The appropriation made in this section or that may hereafter be made for expenditure under the provision of this section may be expended for the purpose herein authorized and for the payment of wages, salaries, and other expenses for help employed in connection with such work.

SEC. 24. That in any State where the existing constitution or laws will not permit the State to provide revenues for the construction, reconstruction, or maintenance of highways, the Secretary of Agriculture shall continue to approve projects for said State until three years after the passage of this act, if he shall find that said State has complied with the provisions of this act in so far as its existing constitution and laws will permit.

SEC. 25. That if any provision of this act, or the application thereof to any person or circumstances, shall be held invalid, the validity of the remainder of the act and of the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 26. That all acts or parts of acts in any way inconsistent with the provisions of this act are hereby repealed, and this act shall take effect on its passage.

Approved, November 9, 1921.

POST OFFICE APPROPRIATION ACT OF JUNE 19, 1922

[42 Stat. 660]

An Act Making appropriations for the Post Office Department for the fiscal year ending June 30, 1923, and for other purposes

* * * * *

SEC. 4. That for the purpose of carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved June 11, 1916, and all acts amendatory thereof and supplementary thereto, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the following additional sums, all such sums to be expended in accordance with the provisions of such act:

The sum of \$50,000,000 for the fiscal year ending June 30, 1923.

The sum of \$65,000,000 for the fiscal year ending June 30, 1924.

The sum of \$75,000,000 for the fiscal year ending June 30, 1925.

The Secretary of Agriculture is hereby authorized, immediately upon the passage of this act, to apportion the \$50,000,000 herein authorized to be appropriated for the fiscal year ending June 30, 1923, among the several States as provided in section 21 of the Federal highway act approved November 9, 1921: *Provided*, That the Secretary of Agriculture shall act upon projects submitted to him under his apportionment of this authorization and his approval of any such project shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto.

PAR. 2. For the purpose of carrying out the provisions of section 23 of the Federal highway act, approved November 9, 1921, there is hereby authorized

to be appropriated for forest roads and trails, out of any money in the Treasury not otherwise appropriated, the following additional sums, to be available until expended, in accordance with the provisions of said section 23:

The sum of \$6,500,000 for the fiscal year ending June 30, 1924.

The sum of \$6,500,000 for the fiscal year ending June 30, 1925.

PAR. 3. For the purposes of this section and of the acts heretofore making appropriations to aid the States in the construction of rural post roads the term "bridges" includes railroad grade separations, whether by means of over-head or underpass crossings.

PAR. 4. The provision of section 5 of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920, and for other purposes," approved February 28, 1919, fixing the limitation of \$20,000 per mile which the Secretary of Agriculture may make, is hereby amended to read as follows:

"That the payments which the Secretary of Agriculture may make from sums appropriated under this act or any act amendatory thereof or supplementary thereto for the fiscal year ending June 30, 1923, shall not exceed \$16,250 per mile exclusive of the cost of bridges of more than twenty feet of clear span; and that the payments which the Secretary of Agriculture may make from any sums appropriated under the provisions of this act or any act amendatory thereof or supplementary thereto, after the fiscal year ending June 30, 1923, shall not exceed \$15,000 per mile, exclusive of the cost of bridges of more than twenty feet of clear span: *Provided*, That the limitation of payments herein provided shall apply to the public-land States, except that the same is hereby increased in proportion to the increased percentage of Federal aid authorized by section 11 of the act entitled 'An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,"' approved November 9, 1921."

PAR. 5. Section 24 of the act entitled "An act to amend the act entitled 'An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,'" approved November 9, 1921, is amended to read as follows: "That in any State where the existing constitution or laws will not permit the State to provide revenues for the construction, reconstruction, or maintenance of highways, the Secretary of Agriculture shall continue to approve projects for said State until five years after November 9, 1921, if he shall find that said State has complied with the provisions of this act in so far as its existing constitution and laws will permit."

PAR. 6. If any officer, agent, or employee of the United States, or any officer, agent, or employee of any State or Territory, or any person, association, firm, or corporation, or any officer or agent of any person, association, firm, or corporation shall knowingly make any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the costs thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction of any project submitted for approval to the Secretary of Agriculture under the provisions of the Federal highway act, or shall knowingly make any false statement, false representation, or false report or claim for work or materials for the construction of any project approved by the Secretary of Agriculture under said Federal highway act and all amendments thereto, or shall knowingly make any false statement or false representation in any report required to be made under said Federal highway act or acts supplementary thereto with the intent to defraud the United States shall, upon conviction thereof, be punished by imprisonment not to exceed five years or by a fine not to exceed \$10,000, or by both fine and imprisonment within said limits.

PAR. 7. If any provision of this section, or the application thereof to any person or circumstances, shall be held invalid, the validity of the remainder of the section and the application of such provision to other persons or circumstances shall not be affected thereby.

PAR. 8. All acts or parts of acts in any way inconsistent with the provisions of this section are hereby repealed.

* * * * *

Approved, June 19, 1922.

DEFICIENCY APPROPRIATION ACT OF JANUARY 22, 1923

[42 STAT. 1157]

An Act Making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1923, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1923, and for other purposes

* * * * *

COOPERATIVE CONSTRUCTION OF RURAL POST ROADS

For carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all acts amendatory thereof and supplementary thereto, to be expended in accordance with the provisions of such act as amended, \$25,000,000, to remain available until expended, being part of the sum of \$50,000,000 authorized to be appropriated for the fiscal year ending June 30, 1923, by paragraph 1 of section 4 of the act making appropriations for the Post Office Department for the fiscal year 1923, approved June 19, 1922: *Provided*, That the Secretary of Agriculture shall act upon projects submitted to him under his apportionment of such authorization of \$50,000,000, and his approval of any such project within three years shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto: *Provided further*, That the appropriations heretofore and hereafter made for the purpose of carrying out the provisions of such act of July 11, 1916, and the acts amendatory thereof and supplemental thereto shall be considered available for the purpose of discharging the obligations created by the approval of projects.

* * * * *

Approved, January 22, 1923.

—
AGRICULTURAL APPROPRIATION ACT OF FEBRUARY 26, 1923

[42 STAT. 1321]

An Act Making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1924, and for other purposes

* * * * *

SPECIAL ITEMS

Forest roads and trails: For carrying out the provisions of section 23 of the Federal highway act approved November 9, 1921, \$3,000,000, to be available until expended, being part of the sum of \$6,500,000 authorized to be appropriated for the fiscal year ending June 30, 1924, by paragraph 2 of section 4 of the act making appropriations for the Post Office Department for the fiscal year 1923, approved June 19, 1922: *Provided*, That the Secretary of Agriculture is hereby authorized, immediately upon the approval of this act, also to apportion and prorate among the several States, Alaska, and Porto Rico, as provided in section 23 of said Federal highway act, the sum of \$3,500,000, constituting the remainder of the said authorization of \$6,500,000: *Provided further*, That the Secretary of Agriculture may incur obligations, approve projects, or enter into contracts under his apportionment and prorating of this authorization, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof: *Provided further*, That the appropriations heretofore, herein, and hereafter made for the purpose of carrying out the provisions of section 8 of the act of July 11, 1916, and of section 23 of the Federal highway act of November 9, 1921, and acts amendatory thereof and supplemental thereto, shall be considered available for the purpose of discharging the obligations created hereunder in any State or Territory: *Provided further*, That the total expenditures on account of any State or Territory shall at no time exceed its authorized apportionment.

Cooperative construction of rural post roads: For carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all acts amendatory thereof and supplementary thereto, to be expended in accordance with the provisions of said act as amended, \$29,300,000, to be available until expended, being part of the sum of \$65,000,000 authorized to be appropriated for the fiscal year ending June 30, 1924, by paragraph 1 of section 4 of the act making appropriations for the Post Office Department for the fiscal year 1923, approved June 19, 1922: *Provided*, That the Secretary of Agriculture is hereby authorized, immediately upon the passage of this act, to apportion among the several States, as provided in section 21 of the Federal highway act approved November 9, 1921, the sum of \$65,000,000 authorized to be appropriated for the fiscal year ending June 30, 1924, by said paragraph 1 of section 4 of the act approved June 19, 1922: *Provided further*, That the Secretary of Agriculture shall act upon projects submitted to him under his apportionment of this authorization, and his approval of any such project within three years shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto.

Total, Department of Agriculture, \$69,536,653.

Approved, February 26, 1923.

ACT EXTENDING FEDERAL AID TO HAWAII

[43 STAT. 17]

An Act To extend the provisions of certain laws to the Territory of Hawaii

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That beginning with the fiscal year ending June 30, 1925, the Territory of Hawaii shall be entitled to share in appropriations now or which may hereafter become available for apportionment under the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, known as the Federal highway act, and any act amendatory thereof or supplementary thereto, upon the same terms and conditions as any of the several States, and such Territory shall be included in the calculations to determine the basis of apportionment of such funds: *Provided*, That in approving road projects in such Territory to receive Federal aid, the Secretary of Agriculture shall give preference to such projects as will expedite the completion of an adequate system of highways for the national defense or which will connect seaports with units of the national parks.

Approved, March 10, 1924.

AGRICULTURAL APPROPRIATION ACT OF JUNE 5, 1924

[43 STAT. 460]

An Act Making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1925, and for other purposes

SPECIAL ITEMS

Forest roads and trails: For carrying out the provisions of section 23 of the Federal highway act approved November 9, 1921, \$6,000,000, to be available until expended, being the remainder of the sum of \$6,500,000 authorized to be appropriated for the fiscal year ending June 30, 1924, and part of the

sum authorized to be appropriated for the fiscal year ending June 30, 1925, by paragraph 2 of section 4 of the act making appropriations for the Post Office Department for the fiscal year 1923, approved June 19, 1922: *Provided*, That the Secretary of Agriculture is hereby authorized, immediately upon the approval of this act, also to apportion and prorate among the several States, Alaska, and Porto Rico, as provided in section 23 of said Federal highway act, the sum of \$4,000,000, constituting the remainder of the sum authorized to be appropriated for the fiscal year ending June 30, 1925: *Provided further*, That the Secretary of Agriculture may incur obligations, approve projects, or enter into contracts under his apportionment and prorating of this authorization, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof: *Provided further*, That the appropriations heretofore, herein, and hereafter made for the purpose of carrying out the provisions of section 8 of the act of July 11, 1916, and of section 23 of the Federal highway act of November 9, 1921, and acts amendatory thereof and supplemental thereto, shall be considered available for the purpose of discharging the obligations created hereunder in any State or Territory: *Provided further*, That the total expenditures on account of any State or Territory shall at no time exceed its authorized apportionment.

Cooperative construction of the Federal aid highway system: For carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all acts amendatory thereof and supplementary thereto, to be expended in accordance with the provisions of said act as amended, \$13,000,000, to be available until expended, being part of the sum of \$75,000,000 authorized to be appropriated for the fiscal year ending June 30, 1925, by paragraph 1 of section 4 of the act making appropriations for the Post Office Department for the fiscal year 1923, approved June 19, 1922: *Provided*, That the Secretary of Agriculture is hereby authorized, immediately upon the passage of this act, to apportion among the several States, as provided in section 21 of the Federal highway act, approved November 9, 1921, the sum of \$75,000,000 authorized to be appropriated for the fiscal year ending June 30, 1925, by said paragraph 1 of section 4 of the act approved June 19, 1922: *Provided further*, That the Secretary of Agriculture shall act upon projects submitted to him under his apportionment of this authorization, and his approval of any such project within three years shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto.

Total, Department of Agriculture, \$58,575,274.

Approved, June 5, 1924.

ACT AUTHORIZING MAINTENANCE OF GALLUP-DURANGO HIGHWAY

[43 STAT. 606]

An Act Authorizing annual appropriations for the maintenance of that portion of Gallup-Durango Highway across the Navajo Indian Reservation and providing reimbursement therefor

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, the sum of \$20,000 or so much thereof as may be necessary for each fiscal year, to be expended under the direction of the Secretary of the Interior, for maintenance of that portion of the Federal aid highway from Gallup, New Mexico, to Shiprock, New Mexico, across the Navajo Indian Reservation, reimbursable from the tribal funds of the Indians of said reservation: *Provided*, That Indian labor shall be employed as far as practicable: *Provided further*, That if no funds are available, no expenditure shall be made.

Approved, June 7, 1924.

AGRICULTURAL APPROPRIATION ACT OF FEBRUARY 10, 1925

[43 STAT. 852.]

An Act Making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1926, and for other purposes

* * * * *

FOREST ROADS AND TRAILS

For carrying out the provisions of section 23 of the Federal highway act approved November 9, 1921, \$4,000,000 to remain available until expended, and of which amount not to exceed \$3,000 may be expended for departmental personal services in the District of Columbia, being the remainder of the sum of \$6,500,000 authorized to be appropriated for the fiscal year ending June 30, 1925, by paragraph 2 of section 4 of the act making appropriations for the Post Office Department for the fiscal year 1923, approved June 19, 1922: *Provided*, That the appropriations heretofore, herein, and hereafter made for the purpose of carrying out the provisions of section 8 of the act of July 11, 1916, and of section 23 of the Federal highway act of November 9, 1921, and acts amendatory thereof and supplemental thereto, shall be considered available for the purpose of discharging the obligations created hereunder in any State or Territory: *Provided further*, That the total expenditures on account of any State or Territory shall at no time exceed its authorized apportionment.

FEDERAL AID HIGHWAY SYSTEM

For carrying out the provisions of the act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all acts amendatory thereof and supplementary thereto, to be expended in accordance with the provisions of said act as amended, \$76,000,000 to remain available until expended, of which amount not to exceed \$454,971 may be expended for departmental personal services in the District of Columbia, being \$25,000,000, the remainder of the sum of \$50,000,000 authorized to be appropriated for the fiscal year ending June 30, 1923; \$35,700,000, the remainder of the sum of \$65,000,000 authorized to be appropriated for the fiscal year ending June 30, 1924; and \$15,300,000, being part of the sum of \$75,000,000 authorized to be appropriated for the fiscal year ending June 30, 1925, by paragraph 1 of section 4 of the act making appropriations for the Post Office Department for the fiscal year 1923, approved June 19, 1922.

The Secretary of Agriculture is authorized to enter into leases for the Bieber Building, 1358 B Street southwest, and the warehouse now under construction at the southeast corner of Linworth Place and C Street southwest, for a period not to exceed ten years, provided in his judgment it is of advantage to the Government of the United States to do so. Such leases shall have the approval of the Public Buildings Commission.

Total, Department of Agriculture, \$124,774,441.

Approved, February 10, 1925.

AMENDMENT AND AUTHORIZATION OF FEBRUARY 12, 1925

[43 Stat. 889]

An Act To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other pur-

poses," approved July 11, 1916, and all acts amendatory thereof and supplementary thereto, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the following additional sums, to be expended according to the provisions of such act as amended:

The sum of \$75,000,000 for the fiscal year ending June 30, 1926;

The sum of \$75,000,000 for the fiscal year ending June 30, 1927.

Immediately upon the passage of this act and thereafter not later than January 1, of each year, the Secretary of Agriculture is authorized to apportion among the several States, as provided in section 21 of the Federal highway act approved November 9, 1921, the \$75,000,000 herein authorized to be apportioned for the fiscal year ending June 30, 1926, and on or before January 1 next preceding the commencement of each succeeding fiscal year he shall make like apportionment of the appropriation herein authorized, or which may hereafter be authorized, for each fiscal year: *Provided*, That the Secretary of Agriculture shall act upon projects submitted to him under his apportionment of this authorization, and his approval of any such project within three years shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto.

SEC. 2. For carrying out the provisions of section 23 of the Federal highway act approved November 9, 1921, there is hereby authorized to be appropriated for forest roads and trails, out of any money in the Treasury not otherwise appropriated, the following additional sums, to be available until expended in accordance with the provisions of said section 23:

The sum of \$7,500,000, for the fiscal year ending June 30, 1926;

The sum of \$7,500,000 for the fiscal year ending June 30, 1927.

SEC. 3. That the Secretary of Agriculture may exchange deteriorated explosives or explosive components, obtained by transfer from the Secretary of War for distribution among the States and for use in the improvement of roads under his direct supervision, for explosives or explosive products in condition for immediate use. The Secretary of Agriculture is further authorized, by contract or otherwise, to reclaim by reworking, reconditioning, cartridgeing, or otherwise converting into usable form such deteriorated explosives or explosive components as can not be so exchanged, and to pay the cost thereof out of available administrative funds authorized by the Federal highway act approved November 9, 1921, and acts amendatory thereof or supplementary thereto. The Secretary of Agriculture, in his discretion, may transfer to any department or agency of the Federal Government such of the materials acquired from such exchanges, and also such of the explosives or explosive components as may be reworked, reconditioned, cartridgeed, or otherwise converted hereunder, as may be required by any such department or agency for use in its authorized activities: *Provided*, That the charges incident to the storage, handling, protection, exchange, reworking, reconditioning, cartridgeing, or conversion of such explosives or explosive components as may be certified by the Secretary of Agriculture to have been incurred against said administrative funds shall be reimbursed, said funds pro rata by the department or agency of the Federal Government, the State, or other agency receiving such explosives or explosive products.

SEC. 4. That section 11 of the Federal highway act approved November 9, 1921, as amended and approved by the acts of June 19, 1922, and January 22, 1923, is further amended by inserting after each place where the words "unappropriated public lands" occur the words "and nontaxable Indian lands, individual and tribal."

SEC. 5. That in any State where the existing constitution or laws will not permit the State to provide revenues for the construction, reconstruction, or maintenance of highways, the Secretary of Agriculture shall continue to approve projects for said State until three years after the passage of this act, if he shall find that said State has complied with the provisions of this act in so far as its existing constitution and laws will permit.

SEC. 6. All acts or parts of acts in any way inconsistent with the provisions of this act are hereby repealed and this act shall take effect on its passage.

Approved, February 12, 1925.

DEFICIENCY APPROPRIATION ACT OF MARCH 4, 1925

[43 STAT. 1326]

An Act Making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1925, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1925, and June 30, 1926, and for other purposes

* * * * *

Forest roads and trails: For carrying out the provisions of section 23 of the Federal highway act approved November 9, 1921, the Secretary of Agriculture is hereby authorized, immediately upon the approval of this act, to apportion and prorate among the several States, Alaska, and Porto Rico, as provided in section 23 of said Federal highway act, the sum of \$7,500,000 constituting the amount authorized to be appropriated for forest roads and trails for the fiscal year 1926 by section 2 of the act approved February 12, 1925: *Provided*, That the Secretary of Agriculture may incur obligations, approve projects, or enter into contracts under his apportionment and prorating of this authorization, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof.

* * * * *

Approved, March 4, 1925.

AGRICULTURAL APPROPRIATION ACT OF MAY 11, 1926

[PUBLIC—No. 214—69TH CONGRESS]

[H. R. 8264]

An Act Making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1927, and for other purposes

* * * * *

FOREST ROADS AND TRAILS

For carrying out the provisions of section 23 of the Federal highway act approved November 9, 1921, including not to exceed \$48,000 for departmental personal services in the District of Columbia, \$5,000,000, which sum is composed of \$3,725,000, the remainder of the sum of \$7,500,000 authorized to be appropriated for the fiscal year 1926 and \$1,275,000, part of the amount authorized to be appropriated for the fiscal year 1927 by the act approved February 12, 1925: *Provided* That the Secretary of Agriculture shall, upon the approval of this act, apportion and prorate among the several States, Alaska, and Porto Rico, as provided in section 23 of said Federal highway act, the sum of \$7,500,000 authorized to be appropriated for the fiscal year ending June 30, 1927, by the act approved February 12, 1925: *Provided further*, That the Secretary of Agriculture shall incur obligations, approve projects, or enter into contracts under his apportionment and prorating of this authorization, and his action in so doing shall be deemed a contractual obligation on the part of the Federal Government for the payment of the cost thereof: *Provided further*, That the appropriations heretofore, herein, and hereafter made for the purpose of carrying out the provisions of section 8 of the act of July 11, 1916, and of section 23 of the Federal highway act of November 9, 1921, and acts amendatory thereof and supplemental thereto, shall be considered available for the purpose of discharging the obligations created thereunder in any State or Territory: *Provided further*, That the total expenditures on account of any State or Territory shall at no time exceed its authorized apportionment.

FEDERAL AID HIGHWAY SYSTEM

For carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all acts amendatory thereof and supplementary thereto, to be expended in accordance with the provisions of said act as amended, including not to exceed \$445,000 for departmental personal services in the District of Columbia, \$75,000,000, to remain available

until expended, which sum is composed of \$23,800,000, the remainder of the sum of \$75,000,000 authorized to be appropriated for the fiscal year ending June 30, 1925, by the act approved June 19, 1922, and \$51,200,000, part of the sum of \$75,000,000 authorized to be appropriated for the fiscal year ending June 30, 1926, by paragraph 1 of the act approved February 12, 1925.

Total, Department of Agriculture, \$127,924,573.

Approved, May 11, 1926.

AMENDMENT AND AUTHORIZATION OF JUNE 22, 1926

[PUBLIC—No. 411—69TH CONGRESS]

[H. R. 9504]

An Act To amend the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all acts amendatory thereof and supplementary thereto, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the following additional sums, to be expended according to the provisions of such act as amended:

The sum of \$75,000,000 for the fiscal year ending June 30, 1928.

The sum of \$75,000,000 for the fiscal year ending June 30, 1929.

SEC. 2. For carrying out the provisions of section 23 of the Federal highway act, approved November 9, 1921, there is hereby authorized to be appropriated for forest roads and trails, out of any money in the Treasury not otherwise appropriated, the following additional sums, to be available until expended in accordance with the provisions of said section 23:

The sum of \$7,500,000 for the fiscal year ending June 30, 1928.

The sum of \$7,500,000 for the fiscal year ending June 30, 1929.

Not later than January 1 next preceding the commencement of each fiscal year the Secretary of Agriculture is authorized to apportion among the several States the appropriations heretofore, herein, or hereafter made or authorized to be made as provided in section 23 of the Federal highway act approved November 9, 1921.

SEC. 3. That in any State where the existing constitution or laws will not permit the State to provide revenues for the construction, reconstruction, or maintenance of highways the Secretary of Agriculture shall continue to approve projects for said State for the period covered by this act if he shall find that said State has complied with the provisions of this act in so far as its existing constitution and laws will permit.

SEC. 4. All acts or parts of acts in any way inconsistent with the provisions of this act are hereby repealed, and this act shall take effect on its passage.

Approved, June 22, 1926.

AGRICULTURAL APPROPRIATION ACT OF JANUARY 18, 1927

[PUBLIC—No. 552—69TH CONGRESS]

[H. R. 15008]

An Act Making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1928, and for other purposes

* * * * *

SPECIAL ITEMS

FOREST ROADS AND TRAILS

For carrying out the provisions of section 23 of the Federal highway act approved November 9, 1921, including not to exceed \$47,000 for departmental personal services in the District of Columbia, \$6,500,000, which sum is composed of \$4,825,000, part of the sum of \$7,500,000 authorized to be appropriated

for the fiscal year 1927 by the act approved February 12, 1925, and \$1,675,000, part of the amount authorized to be appropriated for the fiscal year 1928 by the act approved June 22, 1926: *Provided*, That the Secretary of Agriculture shall, upon the approval of this act, apportion and prorate among the several States, Alaska, and Porto Rico, as provided in section 23 of said Federal highway act, the sum of \$7,500,000 authorized to be appropriated for the fiscal year ending June 30, 1928, by the act approved June 22, 1926: *Provided further*, That the Secretary of Agriculture may incur obligations, approve projects, or enter into contracts under his apportionment and prorating of this authorization, and his action in so doing shall be deemed a contractual obligation on the part of the Federal Government for the payment of the cost thereof: *Provided further*, That the appropriations heretofore, herein, and hereafter made for the purpose of carrying out the provisions of section 8 of the act of July 11, 1916, and of section 23 of the Federal highway act of November 9, 1921, and acts amendatory thereof and supplemental thereto, shall be considered available for the purpose of discharging the obligations created thereunder in any State or Territory: *Provided further*, That the total expenditures on account of any State or Territory shall at no time exceed its authorized apportionment: *Provided further*, That this appropriation shall be available for the construction of buildings necessary for the storage of equipment and supplies used for road and trail construction and maintenance, but the total cost of any such building constructed shall not exceed \$1,500.

FEDERAL AID HIGHWAY SYSTEM

For carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all acts amendatory thereof and supplementary thereto, to be expended in accordance with the provisions of said act as amended, including not to exceed \$420,000 for departmental personal services in the District of Columbia, \$71,000,000 to remain available until expended, which sum is composed of \$23,800,000, the remainder of the sum of \$75,000,000 authorized to be appropriated for the fiscal year ending June 30, 1926, and \$47,200,000, part of the sum of \$75,000,000 authorized to be appropriated for the fiscal year ending June 30, 1927, by paragraph 1 of the act approved February 12, 1925.

Total, Department of Agriculture, \$128,511,739.

Approved, January 18, 1927.

DEFICIENCY APPROPRIATION ACT OF FEBRUARY 28, 1927

[PUBLIC—No. 660—69TH CONGRESS]

[H. R. 16462]

An Act Making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1927, and prior fiscal years, and to provide urgent supplemental appropriations for the fiscal year ending June 30, 1927, and for other purposes

* * * * *

FOREST ROADS AND TRAILS

For an additional amount for carrying out the provisions of section 23 of the Federal highway act, approved November 9, 1921, \$1,400,000, to remain available until expended, being the remainder of the sum of \$7,500,000 authorized to be appropriated for the fiscal year 1927 by section 2 of the act approved February 12, 1925, and authorized to be apportioned and prorated among the States and obligated by contracts and otherwise by the act of May 11, 1926.

* * * * *

Approved, February 28, 1927.

FEDERAL AID FOR TOLL BRIDGES

[PUBLIC—No. 773—69TH CONGRESS]

[H. R. 16551]

An Act To permit the granting of Federal aid in respect of certain roads and bridges

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any provision of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, or of the Federal highway act, the Secretary of Agriculture may extend, on the same basis and in the same manner as in the construction of any free bridge, Federal aid under such acts, in the construction of any toll bridge and approaches thereto, by any State or States, or political subdivision or subdivisions thereof, upon the condition that such bridge is owned and operated by such State or States, or political subdivision or subdivisions thereof, and that all tolls received from the operation thereof, less the actual cost of operation and maintenance, are applied to the repayment to the State or States, or political subdivision or subdivisions thereof, of its or their part of the cost of construction of such bridge, and upon the further condition that when the amount contributed by such State or States, or political subdivision or subdivisions thereof, in the construction of such bridge shall have been repaid from the tolls, the collection of tolls for the use of such bridge shall thereafter cease, and the same shall be maintained and operated as a free bridge.

Approved, March 3, 1927.

Pursuant to the authority conferred upon the Secretary of Agriculture by the act of Congress approved November 9, 1921, entitled "An act to amend the act entitled 'An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,' approved July 11, 1916, as amended and supplemented, and for other purposes" (42 Stat. 212), known as the Federal highway act, I, Henry C. Wallace, Secretary of Agriculture, do make and publish the following rules and regulations for carrying out the provisions of said act as amended by the act of Congress approved June 19, 1922, entitled "An act making appropriations for the Post Office Department for the fiscal year ending June 30, 1923, and for other purposes" (Public, No. 244, 67th Cong.), except section 23 of said act of November 9, 1921, and paragraph 2 of section 4 of said act of June 19, 1922, such rules and regulations to be in force and effect from July 31, 1922, and, except as to the expenditure of funds appropriated by Congress and apportioned among the States prior to November 9, 1921, to supersede the rules and regulations revised and published March 12, 1919, for carrying out the provisions of the act of July 11, 1916 (39 Stat. 355), except section 8 thereof, as amended.

In witness whereof I have hereunto set my hand this 22d day of July, 1922. Let the seal of the Department of Agriculture be hereto affixed.

HENRY C. WALLACE,
Secretary of Agriculture.



RULES AND REGULATIONS OF THE SECRETARY OF AGRICULTURE FOR CARRYING OUT THE FEDERAL HIGHWAY ACT (EXCEPT THE PROVISIONS THEREOF RELATIVE TO FOREST ROADS)

Regulation 1. Definitions

SECTION 1. For the purposes of these regulations, the following terms shall be construed, respectively, to mean:

Act.—The act of Congress approved July 11, 1916, entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes" (30 Stat. 355), as amended by the act of Congress approved February 28, 1919, entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920, and for other purposes" (40 Stat. 1200, 1201), and as amended by the act of Congress approved November 9, 1921, entitled "An act to amend the act entitled 'An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,' approved July 11, 1916, as amended and supplemented, and for other purposes" (Public No. 87, 67th Cong.).

Secretary.—The Secretary of Agriculture of the United States.

Bureau of Public Roads.—The Bureau of Public Roads of the United States Department of Agriculture.

Authorized representatives of the Secretary.—The Chief of the Bureau of Public Roads and such other officials and employees thereof as he may designate from time to time.

Federal aid highway system.—The system of Federal aid highways, established by actual agreement and joint action of the States and the Secretary of Agriculture, and upon which all Federal aid funds shall be spent.

Primary highways.—The primary or interstate portion of the Federal aid highway system composed of not to exceed three-sevenths thereof.

Secondary highways.—The secondary or intercounty portion of the Federal aid highway system consisting of at least four-sevenths thereof.

Ten per cent fund.—Items for engineering, inspection, and unforeseen contingencies not exceeding 10 per cent of the total estimated cost of the construction.

Regulation 2. Application of Regulations

SECTION 1. These regulations apply to all provisions of the act, except the provisions thereof relative to forest roads and trails, unless hereafter so made applicable by order of the Secretary.

SEC. 2. These regulations shall apply as fully where the extent to which the State may engage in road construction and maintenance work, or raise State revenues therefor, is limited by its existing constitution and laws as in any other case.

Regulation 3. Information for the Secretary

SECTION 1. Before any agreement is made upon any road or roads to be constructed in a State, or as to the character and method of construction, there shall be furnished to the Secretary upon his request, by or on behalf of the State, general information as to its laws affecting roads and the authority of the State and local officials in reference to the construction and maintenance of roads; as to the State highway department, how equipped and organized; as to the existing provisions of its constitution or laws relative to State revenues for the construction, reconstruction, or maintenance of roads; as to funds that will be available to meet the State's share of the cost of the construction work to be performed and the general source of such funds; and as to provisions made, or to be made, for maintaining roads upon which Federal aid funds will be expended.

SEC. 2. Information requested by the Secretary or his authorized representatives relating to the maintenance of roads constructed under the provisions of the act shall be furnished from time to time by the State highway departments on forms supplied by the Bureau of Public Roads.

SEC. 3. Data furnished by or on behalf of a State shall be supplemented by such reports of the Bureau of Public Roads as the Secretary may from time to time require.

Regulation 4. Federal Aid Highway System Map

SECTION 1. Each State highway department shall file with the Secretary of Agriculture a State map showing the proposed Federal aid highway system

and indicating the primary and the secondary portions thereof in such form and with such information as he may require.

SEC. 2. The Secretary, through his authorized representatives, will make an examination of the proposed system and will from time to time notify the State highway department of the acceptability of the parts of the system examined.

SEC. 3. When agreement has been reached between the State highway department and the Secretary as to the whole (or if the State so desires, of a material portion) of the Federal aid highway system, the State shall make formal request for the approval of the Secretary of Agriculture. This request will be accompanied by a State map showing the full proposed Federal aid highway system with the primary and secondary highways upon which formal approval is requested, in such form and with such information as may be prescribed by the Secretary or his authorized representatives.

SEC. 4. Pending the formal approval of the State highway system in whole or in part by the Secretary of Agriculture, only such projects will be approved as are on routes indicated on the proposed Federal aid highway system as submitted under section 1 and tentatively accepted by the Secretary under section 2 of this regulation: *Provided*, That the Secretary of Agriculture may approve project statements submitted by the State highway departments prior to the selection, designation, and approval of the system of Federal aid highways herein provided for if he may reasonably anticipate that the projects will become a part of such system.

Regulation 5. Project Statements

SECTION 1. A project statement may be submitted for the whole or any part of a continuous route or routes embraced in the Federal aid highway system selected or designated in accordance with the provisions of the act, preference being given to such projects as will expedite the completion of a system of highways interstate in character.

SEC. 2. Prior to the selection, designation, and approval of the Federal aid highway system, project statements may be submitted for any route or part of a route if the Secretary may reasonably anticipate that such route will become a part of such system. After the Federal aid highway system shall have been selected, designated, and approved no project statement shall be submitted for any route or part of a route not embraced in the system so selected, designated, and approved.

SEC. 3. A project statement shall contain such information as the Secretary may require to be submitted on a form supplied by the Bureau of Public Roads and shall be accompanied by a sketch map in sufficient detail and covering such length of road as may be necessary to determine the fitness of the location as a part of the Federal aid highway system and with the termini of the proposed improvement indicated thereon.

Regulation 6. Surveys, Plans, Specifications, and Estimates

SECTION 1. The surveys, plans, specifications, and estimates shall show in convenient form and detail the work to be performed and the probable cost thereof, all in conformity with the standards, governing form, and arrangement prescribed by the Secretary.

SEC. 2. Copies of the specifications shall be submitted with the plans and estimates, except that where standard specifications have been approved by the Chief of the Bureau of Public Roads a statement to the effect that approved standard specifications govern may be submitted in lieu of the printed documents.

SEC. 3. Until plans, specifications, and estimates for a project or part thereof have been submitted and found satisfactory for recommendation, and the State has been so notified by the district engineer of the Bureau of Public Roads, no project or part thereof shall be let to contract.

SEC. 4. The estimate for each project shall show the estimated quantity and the estimated cost of each item of construction in detail and, separately, the 10 per cent fund, and shall not include any expense for advertising.

SEC. 5. Unless State standard contract and bond forms have been approved, there shall be submitted with each set of plans for the approval of the Secretary copies of the form of contract, together with all documents referred to therein or made a part thereof, and of the contractor's bond which it is proposed to use on the project. No alteration of either of these forms, when once approved, shall be made until it is approved by the Secretary.

SEC. 6. Where any part of the cost of a project is to be furnished by a county or other local subdivision or subdivisions of a State, the plans, specifications, and estimates shall be accompanied by certified copy of each resolution or order, if any, of the appropriate local officials, or such other showing as the Secretary may require respecting the funds which are made available, or respecting the supervision of the construction of the road and of the control of the money provided for paying such cost.

SEC. 7. Right of way ample for any project shall be provided and no incidental damages to adjoining property, due to construction work paid for by or on behalf of the State, shall be included in the estimate or be paid in any part, directly or indirectly, by the Federal Government.

SEC. 8. Grade crossings occurring on the Federal aid highway system shall be classified for priority of improvement by agreement between the State highway departments and the Bureau of Public Roads.

SEC. 9. No part of the expense of making surveys, plans, specifications, or estimates, by or on behalf of the State prior to the beginning of construction work, shall be included in the estimate or paid by the Federal Government.

SEC. 10. Subsequent to the execution of the agreement no change which will increase the cost of a project to the Federal Government shall be made, except upon approval by the Secretary of Agriculture, and no changes shall be made in the termini or type, except upon approval of the Chief of the Bureau of Public Roads, but minor alterations which do not affect the general nature of the improvement or increase the total cost to the Federal Government may be authorized by the Chief of the Bureau of Public Roads or his authorized representative.

Regulation 7. Project Agreements

SECTION 1. A project agreement between the State highway department and the Secretary shall be executed in triplicate on a form furnished by the Secretary. No payment shall be made by the United States unless or until such agreement has been executed, nor on account of work done prior to recommendation by the district engineer of the Bureau of Public Roads that the plans, specifications, and estimates be approved.

Regulation 8. Contracts

SECTION 1. No part of the Federal money set aside on account of any project shall be paid until it has been shown to the satisfaction of the Secretary that adequate methods, either advertising or other devices appropriate for the purpose, were employed, prior to the beginning of construction, to insure economy and efficiency in the expenditure of such money.

SEC. 2. Upon publication of advertisements copies thereof shall be furnished to the Bureau of Public Roads.

SEC. 3. Bids shall conform to the standard proposal form, and the items shall be the same as those contained in the estimate provided for in Regulation 6, section 4.

SEC. 4. Copy of the tabulated bid prices, showing the unit prices and the totals of each bid for every project, shall be furnished promptly to the Bureau of Public Roads.

SEC. 5. In advance of the acceptance of any bid sufficient notice of the time and place the contract is to be awarded shall be given to the Bureau of Public Roads to enable it, if it so desires, to have a representative present. When a bid has been accepted prompt notice thereof shall be given to the Bureau of Public Roads.

SEC. 6. If the contract be awarded to any other than the lowest responsible bidder, the Federal Government shall not pay more than its pro rata share of the lowest responsible bid, unless it be satisfactorily shown that it was advantageous to the work to accept the higher bid.

SEC. 7. The specifications and plans shall be made a part of the contract.

SEC. 8. A copy of each contract, as executed, shall be promptly certified by the State highway department and furnished to the Secretary, and no alteration in the contract shall be subsequently made without the approval of the Secretary.

Regulation 9. Construction

SECTION 1. Suitable samples of materials to be used in construction work shall be submitted, by or on behalf of the State highway department, to the Bureau of Public Roads whenever requested.

SEC. 2. Unless otherwise stipulated in writing by the Secretary or his authorized representative, materials for the construction of any project shall be tested, prior to use, for conformity with specifications, according to methods prescribed or approved by the Bureau of Public Roads.

SEC. 3. No part of the money apportioned under the act shall be used, directly or indirectly, to pay or to reimburse a State, county, or local subdivision for the payment of any premium or royalty on any patented or proprietary material, specification, process, or type of construction unless purchased or obtained on open actual competitive bidding at the same or a less cost than unpatented articles or methods, if any, equally suitable for the same purpose.

SEC. 4. The supervision of each project by the State highway department shall include adequate and continuous engineering inspection throughout the course of construction.

SEC. 5. Written notice of commencement and completion of work on any project shall be given promptly by the State highway department to the Bureau of Public Roads.

SEC. 6. Reports of the progress of construction, showing force employed and work done, shall be furnished as requested by the Secretary or his authorized representatives.

Regulation 10. Records and Cost Keeping

SECTION 1. Such records of the cost of construction, of inspection, of tests, and of maintenance, done by or on behalf of the State, shall be kept, by or under the direction of the State highway department, as will enable the State to report, upon the request of the Secretary or his authorized representatives, the amount and nature of the expenditure for these purposes.

SEC. 2. The accounts and records, together with all supporting documents, shall be open at all times to the inspection of the Secretary or his authorized representatives, and copies thereof shall be furnished when requested.

Regulation 11. Payments

SECTION 1. Vouchers, in the form provided by the Secretary and certified as therein prescribed, showing amounts expended on any project and the amount claimed to be due from the Federal Government on account thereof, shall be submitted by the State highway department to the Bureau of Public Roads, either after completion of construction of the project or, if the Secretary has determined to make payments as the construction progresses, at intervals of not less than one month.

Regulation 12. Submission of Documents

SECTION 1. Papers and documents required by the act or these regulations to be submitted to the Secretary may be delivered to the Chief of the Bureau of Public Roads or his authorized representatives and, from the date of such delivery, shall be deemed submitted.

RULES AND REGULATIONS FOR ADMINISTERING FOREST ROADS AND TRAILS

(Approved by the Secretary of Agriculture, March 11, 1922.)

Basis

That portion of section 2 of the Federal highway act approved November 9, 1921, which defines the term "forest roads," all of section 23 of the said act, and such other portions of the act as apply to forest roads.

Regulation 1. Definitions

For the purpose of these regulations the following terms shall be construed, respectively, to mean:

SECTION 1. *Secretary*.—The Secretary of Agriculture of the United States.

SEC. 2. *Bureau*.—Bureau of Public Roads of the Department of Agriculture.

SEC. 3. *State*.—Any State, Territory, or insular possession.

SEC. 4. *State highway department*.—As defined in the act.

SEC. 5. *County authorities.*—The commissioners, supervisors, or officials in charge of the selection of roads in a county, road district, or town, and the expenditure of county funds for road building and maintenance.

SEC. 6. *Forest roads.*—Roads wholly or partly within or adjacent to and serving the national forests.

SEC. 7. *Forest highway fund.*—The appropriation made by the act for forest roads of primary importance to the State, counties, or communities within, adjoining, or adjacent to the national forests, to be known as forest highways.

SEC. 8. *Forest development fund.*—The appropriation made by the act for roads and trails of primary importance for the protection, administration, and utilization of the national forests or when necessary for the use and development of the resources upon which communities within or adjacent to the national forests are dependent, to be known as forest development roads.

SEC. 9. *Construction.*—Reconstruction and improvement of roads as well as original construction.

SEC. 10. *Maintenance.*—The making of necessary repairs and the preservation of a reasonably smooth surface, considering the type of road, but not extraordinary repairs or reconstruction.

SEC. 11. *Major project.*—A road whose survey and construction shall be prosecuted under the supervision of the bureau. This term includes all road projects on the forest highway system except those—

(1) Which do not require the technical services of a highway engineering organization;

(2) Whose estimated average cost is less than \$2,000 per mile.

The term includes forest development roads whose estimated average cost exceeds \$5,000 per mile, or which require the technical services of a highway engineering organization.

SEC. 12. *Minor project.*—A road whose survey and construction shall be prosecuted under the supervision of the Forest Service. This term includes all trails and all roads not comprised within the definition of major project.

Regulation 2. Apportionment

SECTION 1. From such information, investigations, and sources as the Forester shall deem most accurate he shall prepare a tabulation showing the areas and value of the national forest land in each State, including the value of forage and timber. This tabulation, if approved by the Secretary, shall serve as the basis of apportionment for the forest highway fund.

SEC. 2. The Secretary, after considering the recommendations of the Forester, will apportion the forest highway fund for expenditure within the States as follows: One-half in the ratio that the area of national forest land in any State bears to the total area of such land in all States and one-half in the ratio that the value of national forest land in any State bears to the total value of such land in all States.

SEC. 3. The Forester shall prepare a tabulation for the distribution of the forest development fund for expenditure within the States based on the relative needs of the various national forests, taking into consideration the existing transportation facilities, the value of timber or other resources served, relative fire danger, and comparative difficulties of road and trail construction. This tabulation, if approved by the Secretary, shall constitute the apportionment of this fund for expenditure within the States.

SEC. 4. Ten per cent of the amount apportioned for expenditure within each State from the forest highway fund shall be set aside for allotment for administrative expenses of the bureau and the Forest Service and for the purchase and maintenance of equipment. The portion of the amounts set aside not required for these purposes will be returned to funds for construction purposes.

SEC. 5. After deduction of the amounts set aside for administration and equipment expenses, the forest highway fund apportioned to the several States shall be available for expenditure on the survey, construction, and maintenance of approved projects on the forest highway system.

SEC. 6. The apportionment for expenditure in each State from the forest development fund shall be available for administrative and equipment expenses of both bureaus, for the construction of major projects recommended by the Forester and approved by the Secretary, and for minor project work as approved by the Forester.

Regulation 3. Selection of Forest Highway and Forest Development Road Systems

SECTION 1. Forest roads shall be classified as follows:

(1) Forest highways, comprising the forest highway system.

(2) Forest development roads, comprising the forest development road system.

SEC. 2. Forest highways will include:

(1) All existing and proposed roads, or parts of roads, which are necessary sections or extensions of the Federal aid system wholly within the national forests.

(2) Other existing and proposed roads, or parts of roads, which are sections or extensions of the Federal aid system and partly within or adjacent to and serving the national forests and which may be designated as forest roads by the Forester and the chief of the bureau.

(3) Other existing or proposed forest roads of primary importance to counties or communities.

SEC. 3. Forest development roads shall include all other existing or proposed roads within or adjacent to and serving the national forests and designated as forest roads by the Forester. A record of all roads designated as forest development roads will be furnished to the bureau.

SEC. 4. The bureau, acting for the Secretary, shall request each State highway department to submit a map of the roads within and adjacent to the national forests which in its judgment should be included in the forest highway system, of primary importance to the States, or to the counties, or communities thereof. Each State highway department shall be requested, before submitting such a plan, to secure and consider recommendations from the proper county road officials as to forest highways of primary importance to the counties and communities. The district engineers of the bureau will file together with their recommendations copies of the map with the district forester.

SEC. 5. Each district forester of the Forest Service shall prepare for the national forests in each State or portion of State within his district maps showing the existing and proposed roads within, adjoining, and adjacent to the forests classified as to status, type, and function. This plan shall be based upon the primary road system proposed by the State highway department. It shall show in which of the following classes, in the judgment of the district forester, each proposed forest road should be included:

(1) Forest highway system, classified as in section 2, regulation 3.

(2) Forest development road system.

Trails, maintenance work, and minor repairs and construction estimated to cost less than \$500 per mile will not be included on such maps.

The plan shall be revised annually in accordance with the above procedure.

SEC. 6. The bureau, acting for the Secretary, shall arrange a conference with the State highway department and the Forest Service for consideration of the forest highway system proposed by the State highway department and the district forester. Following such conference final recommendations for the designation of a forest highway system shall be submitted to the Secretary by the chief of the bureau and the Forester.

SEC. 7. The forest highway system may be added to or revised by the action of both bureaus, following the procedure herein provided for the original designation of the system.

SEC. 8. The forest development road system shall be added to or revised as the forester shall prescribe.

Regulation 4. Selection of Forest Highway and Forest Development Programs

SECTION 1. The chief of the bureau and the Forester shall, following the recommendations from their district representatives, prepare and submit to the Secretary a list of the forest highway projects selected for the initial (fiscal years 1922 and 1923) forest highway program. The program shall include provision for the maintenance of roads existing or under construction. This list shall set forth the location, available cooperation, if any, whether major or minor, and the tentative expenditure authorized from the forest highway and other available forest-road funds. Upon the approval of such projects, or any of them, by the Secretary, they shall be included in the forest highway program.

SEC. 2. Subsequent projects to be incorporated in the forest highway program shall be selected as follows: All projects proposed by counties, communities, or other agencies shall be submitted to the State highway department. The bureau, acting for the Secretary, shall request each State highway department to submit a list of proposed projects, including its recommendations on all projects submitted to it by counties or other agencies. All projects shall be submitted as far as practicable on forms furnished by the Secretary.

SEC. 3. The recommendations of the bureau on all projects received from the State highway department shall be furnished to the district forester and the State highway department. The district forester shall investigate any proposed projects coming within the requirements of the forest highway fund, including those submitted by county authorities, communities, or other agencies to the State highway department. The district forester shall call upon the district engineer of the bureau for any necessary engineering investigations to supply accurate and full information with reference to proposed State or county projects. The district engineer shall arrange for joint conferences with the State highway department and the district forester for final consideration of the program. A joint report shall be filed with the Forester and the chief of the bureau, together with such additional recommendations as their respective representatives may wish to make, following which the Forester and the chief of the bureau will submit a program of recommended forest-highway projects to the Secretary for approval, classified as major and minor. The forest highway program may be added to and modified from time to time, following the same procedure. The program shall include provision for the maintenance of roads existing or under construction.

SEC. 4. The selection of forest highways for improvement or construction shall include only those which qualify under section 2, regulation 3.

SEC. 5. The forest highway program shall be based upon the following considerations:

- (1) Construction correlation with adjacent Federal and State road programs.
- (2) The interests of communities within, adjoining, or adjacent to the national forests.
- (3) Service to the national forests by increasing their value and usefulness.
- (4) The economy of continuity of operations.
- (5) Benefit to forest development, protection, and administration.
- (6) Amount of available cooperative funds.

SEC. 6. The district forester shall prepare and submit for approval by the Forester and Secretary a list of forest-development roads which constitute major projects. This list shall set forth location, available cooperation if any, and authorized expenditure from the forest development or other available funds. Upon the approval of such projects, or any of them, by the Secretary, they shall be included in the forest development program. The selection of forest development roads and trails constituting minor projects shall rest with the forester.

Regulation 5. Cooperative Agreements

SECTION 1. Cooperation from the State highway department, county authorities, or other agencies, associations, or individuals shall not be required but may be accepted.

Cooperative agreements shall be entered into for all projects which involve financial contributions to surveys, constructions, or maintenance by the State highway departments or county authorities, and shall be approved prior to beginning survey or construction, as the case may be.

SEC. 2. Negotiations for cooperative agreements for approved forest highway projects of the first two classes under section 2, regulation 3, shall be conducted by the bureau, following an agreement with the Forest Service as to financial cooperation, if any, and maintenance. The detailed provisions of the agreements shall be those agreed upon by the bureau and the State highway department. All agreements for construction shall be based upon location survey estimates and shall be prepared on forms furnished by the Secretary for execution by the Secretary and the State highway department.

SEC. 3. Negotiations for cooperative agreements for other forest road projects shall be conducted by the Forest Service, after consultation with the bureau as to their technical and financial features. The detailed provisions of the agreement shall be those agreed upon by the Forest Service and the cooperating agency. All such agreements for the construction of major projects shall be

based upon survey estimates prepared by the bureau and shall be prepared for execution by the Secretary and the cooperating agency. Agreements for minor projects shall be executed by the Forester or district forester of the Forest Service and the cooperating agency.

Regulation 6. Surveys, Construction, and Maintenance

SECTION 1. The survey and construction of minor projects included in the forest highway and forest development programs shall proceed under the direction of the Forest Service. On roads that may ultimately be improved to constitute part of an important public highway, a reconnaissance survey shall be made by the bureau, and all construction shall follow the location so determined as closely as practicable.

SEC. 2. A location survey and estimate of cost of major projects included in the forest-highway and forest-development programs, under allotments set up as provided in regulation 7, shall be made by the bureau as soon as practicable.

SEC. 3. Construction work on any major project included in the forest-highway or forest-development program shall not be authorized or undertaken until a location survey and cost estimate satisfactory to the bureau has been made by the bureau, unless specifically agreed upon by the Forester and the chief of the bureau.

SEC. 4. Upon the completion of such survey and cost estimate, the construction of a designated project, conforming with the original project or forming a part thereof, at a designated cost not exceeding by more than 25 per cent the expenditure authorized in the forest-highway or forest-development program, may be authorized by joint agreement of the chief of the bureau and the Forester. Construction projects substantially deviating from the project as approved in the forest-highway or forest-development programs or which exceed by more than 25 per cent the expenditure authorized therein shall be submitted by the chief of the bureau and the Forester to the Secretary for approval.

SEC. 5. Following the authorization of any major construction project as provided in this regulation, the bureau shall proceed with its construction under an allotment set up as provided in regulation 7.

SEC. 6. The construction of projects on all national forest highways of classes 1 and 2 of regulation 3, section 2, shall be in accordance with plans and specifications prepared under the direction of the bureau. Such construction shall not be started until the plans and specifications have been approved by the bureau and by the State highway department, and until the district forester has had opportunity to examine the location map or surveyed line and to indicate any details of location desirable for the protection or development of the national forests.

The construction of all other major projects under the direction of the bureau shall be in accordance with the plans and specifications prepared by the bureau and approved by the Forest Service and each cooperating agency.

SEC. 7. The construction of minor projects shall be in accordance with the specifications approved by the Forest Service and such cooperating agency as may be involved.

SEC. 8. Construction work on national forest highways of classes 1 and 2 of regulation 3, section 2, shall not be considered complete until the project has been inspected and approved by the bureau and the State highway department, nor until the district forester has approved the clearing and disposal of refuse. No other construction work on major projects shall be accepted as complete by the bureau until it has been inspected and approved by the district forester and the cooperator.

SEC. 9. Maintenance work on all forest highways shall be performed by the bureau unless otherwise specified by agreement. The maintenance of all other road and trail projects shall be performed by the Forest Service unless otherwise provided by cooperative agreement.

Regulation 7. Records and Accounting

SECTION 1. Following the approval of the initial forest highway program for any State and of any subsequent projects or group of projects included therein, a lump sum allotment shall be set up by the Forest Service with

the district fiscal agent of the Forest Service for disbursement on vouchers approved by authorized officers of the bureau covering:

- (1) The authorized expenditures of all approved major projects.
- (2) The current cost of maintenance on all projects to be maintained by the bureau, as estimated by the bureau.
- (3)³ From the administrative and equipment fund provided for by regulation 2, section 4, an amount for administrative expenses and equipment equal to 10 per cent of the sum of Nos. 1 and 2.

Such allotments shall be drawn from any available road appropriation applicable under existing law and regulation of the Secretary to the projects concerned. Upon agreement between the chief of bureau and the Forester to authorize construction of a project, as provided in section 4 of regulation 6, necessary additions to or deductions from the allotment previously set up shall be made. The bureau is authorized to make transfers between construction project allotments not exceeding 10 per cent of any allotment so reduced or increased. Transfers of more than 10 per cent may be made with the concurrence of the Forest Service. Any unused balances under such allotment shall be made available for subsequent program work.

SEC. 2. Following the approval of the forest development road program for any State or subsequent development projects in that State, a similar allotment covering major projects so approved shall be set up for disbursement on vouchers approved by the bureau, and a similar procedure followed in subsequent adjustments or transfers.

SEC. 3.³ Corresponding allotments shall be set up by the Forest Service with the district fiscal agents of the service covering approved minor projects and the expenditures of the Forest Service for administration and maintenance. One per cent of each forest highway apportionment shall be similarly set up for administrative expenses of the Forest Service.

SEC. 4. The forester shall be responsible for maintaining an accurate fiscal record of the status of all appropriations for national forest roads and all expenditures and allotments thereunder for administration, equipment, surveys, construction, and maintenance.

SEC. 5. As soon as practicable after the end of each fiscal year the Forest Service shall prepare a report to the Secretary showing the work accomplished in each State on forest development roads and the disbursements made therefor. For the purpose of this report the bureau shall furnish to the Forest Service information regarding the work accomplished on any forest development roads under the direction of the bureau. The bureau shall also furnish to the Forest Service a copy of each monthly statement exhibiting the progress of all its construction and the financial status of each project.

As soon as practicable after the end of each fiscal year the bureau shall also report to the Secretary the work done on national forest highways in each State and the disbursements made therefor.

SEC. 6. Cooperative funds deposited in the United States Treasury shall be placed in the appropriation "Cooperative work, Forest Service," authorized by act of Congress of June 30, 1914 (38 Stat. 415, 430), and shall be audited, disbursed, and recorded in the same manner as funds under the act. Cooperative funds not deposited in the Treasury shall be audited and disbursed as provided in the cooperative agreement.

SEC. 7. The bureau shall keep all records which it deems necessary of survey, construction, and maintenance costs on major projects supervised by it. The bureau shall furnish the Forest Service with a final report showing the accomplishments and expenditures on each project constructed by it, and on the projects constructed under a cooperative agreement a copy of the report will be furnished by the bureau to the cooperating agency.

³ As amended April 1, 1923.



